

By Senator Cowin

20-1234A-04

1 A bill to be entitled
2 An act relating to immunity from liability;
3 amending s. 39.203, F.S.; providing that a
4 person is immune from civil and criminal
5 liability for reporting child pornography to
6 the Department of Children and Family Services
7 or to a law enforcement agency; providing that
8 any person suspected of being involved in the
9 production, distribution, or possession of
10 child pornography may not be granted immunity
11 from liability; amending s. 847.0139, F.S.;
12 providing that a person is immune from criminal
13 liability for reporting child pornography to a
14 law enforcement officer; providing an effective
15 date.

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17 Be It Enacted by the Legislature of the State of Florida:

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19 Section 1. Section 39.203, Florida Statutes, is
20 amended to read:

21 39.203 Immunity from liability in cases involving of
22 child abuse, abandonment, or neglect or reports of child
23 pornography.--

24 (1)(a) Any person, official, or institution
25 participating in good faith in any act authorized or required
26 by this chapter, or reporting in good faith any instance of
27 child abuse, abandonment, or neglect or any incident involving
28 child pornography to the department or any law enforcement
29 agency, ~~is shall be~~ immune from any civil or criminal
30 liability that ~~which~~ might otherwise result by reason of the
31 ~~such~~ action.

1 (b) Except as provided in this chapter, nothing
2 contained in this section shall be deemed to grant immunity,
3 civil or criminal, to any person suspected of having abused,
4 abandoned, or neglected a child, or having committed any
5 illegal act upon or against a child, including the production,
6 distribution, or possession of child pornography.

7 (2)(a) A ~~No~~ resident or employee of a facility serving
8 children may not be subjected to reprisal or discharge because
9 of his or her actions in reporting abuse, abandonment, or
10 neglect pursuant to the requirements of this section.

11 (b) Any person making a report under this section
12 shall have a civil cause of action for appropriate
13 compensatory and punitive damages against any person who
14 causes detrimental changes in the employment status of the
15 ~~such~~ reporting party by reason of his or her making a ~~such~~
16 report. Any detrimental change made in the residency or
17 employment status of the ~~such~~ person, including, but not
18 limited to, discharge, termination, demotion, transfer, or
19 reduction in pay or benefits or work privileges, or negative
20 evaluations within a prescribed period of time shall establish
21 a rebuttable presumption that the ~~such~~ action was retaliatory.

22 Section 2. Section 847.0139, Florida Statutes, is
23 amended to read:

24 847.0139 Immunity from civil and criminal liability
25 for reporting child pornography, transmission of child
26 pornography, or any image, information, or data harmful to
27 minors to a minor in this state.--Any person who reports to a
28 law enforcement officer what the person reasonably believes to
29 be child pornography, transmission of child pornography, or
30 any image, information, or data that is harmful to minors to a
31 minor in this state may not be held civilly or criminally

1 liable for the ~~such~~ reporting. For purposes of this section,
2 the ~~such~~ reporting may include furnishing the law enforcement
3 officer with any image, information, or data that the person
4 reasonably believes to be evidence of child pornography,
5 transmission of child pornography, or an image, information,
6 or data that is harmful to minors to a minor in this state.

7 Section 3. This act shall take effect July 1, 2004.

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10 SENATE SUMMARY

11 Provides that a person is immune from civil and criminal
12 liability for reporting child pornography to the
13 Department of Children and Family Services or to law
14 enforcement agencies. Provides that any person suspected
of being involved in the production, distribution, or
possession of child pornography may not be granted
immunity from liability.